

Sisk, Richard

From: Schmittiel, Paula
Sent: Tuesday, April 16, 2013 12:19 PM
To: Sisk, Richard
Subject: FW: Draft Notices of Environmental Conditions
Attachments: AAG revised No cleanup Notice Draft 10APR13.docx; AAG revised No sampling Notice Draft 10APR13.docx; AAG revised 10APR13 DRAFT 1st LastChance CLEANUP Ltr.docx; AAG revised 10ARP13 DRAFT 1st Last Chance Sampling.docx

Richard – Jennifer Robbins had a couple of minor comments on the Notices that would seem to clarify things. If you agree, let me know. As for the letters, I have received other comments from the State and anticipate receiving comments from the City on the letters in the near future so I will wait to incorporate all comments on the letters at that time.

When I receive the City's comments on the Notices, I'll forward them to you for your input. Thanks.

Paula Schmittiel
Remedial Project Manager
U.S. Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202
Office: 303-312-6861
Cell: 720-951-0795

From: Jennifer Robbins [mailto:Jennifer.Robbins@state.co.us]
Sent: Thursday, April 11, 2013 2:24 PM
To: Schmittiel, Paula
Cc: Fonda Apostolopoulos (fonda.apostolopoulos@state.co.us); Jamison, Doug (doug.jamison@state.co.us)
Subject: RE: Draft Notices of Environmental Conditions

Paula –

Attached are some minor revisions to consider. Let me know if you have any questions.

Jennifer Robbins
Assistant Attorney General
Natural Resources & Environment Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway,
Denver, Colorado 80203
Phone: (720) 508-6257
Fax: (720) 508-6039

Email: jennifer.robbins@state.co.us

From: Schmittiel, Paula [<mailto:Schmittiel.Paula@epa.gov>]

Sent: Wednesday, April 10, 2013 2:11 PM

To: Farrell, Lisa - Environmental Health; celia.vanderloop@denvergov.org; Fonda Apostolopoulos; doug.jamison@state.co.us; Jennifer Robbins

Cc: Sisk, Richard; Works, John; Chergo, Jennifer; Wharton, Steve; Murray, Bill; Hestmark, Martin; Stavnes, Sandra

Subject: Draft Notices of Environmental Conditions



All – Attached are the two draft versions of the Notices of Environmental Conditions that the EPA has prepared for filing on properties where the property owner has been non-responsive in providing EPA access to conduct either sampling or cleanup. The 1st is the Notice for properties where sampling hasn't been conducted and the 2nd is the Notice for properties where sampling showed contamination but was not cleaned up.

The EPA plans to include these Notices as examples in the 1st set of letters to property owners. For the 2nd mailing, the actual Notice will be included with the letter to the property owner. Since the EPA intends to send examples of the Notices with the 1st letter, EPA would like to receive the City and the State's input on the Notices at the same time as comments on the letters. If possible, EPA would like to receive your comments by April 19th.

You can send your comments/edits in redlining on the document or in an email to me. It would be easier and less confusing if you would send your comments on the letters and on the Notices in separate emails.

The EPA looks forward to receiving your input on the letters in the near future. If you have any questions, please feel free to contact me.

Lisa – I do not have Shaun Sullivan's email address. Could you please forward this to him?

Thank you.

Paula Schmittiel

Remedial Project Manager
U.S. Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202
Office: 303-312-6861
Cell: 720-951-0795

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

When Recorded Return To:

**Remedial Project Manager, EPR-SR
Vasquez Boulevard and Interstate 70 Superfund Site
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street, Denver, CO 80202**

NOTICE OF ENVIRONMENTAL CONDITIONS

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, Colorado [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by United States Environmental Protection Agency (EPA) on September 25, 2003. The ROD established cleanup objectives for lead and arsenic in residential soils to protect human health and prevent unacceptable exposures to adults and children.

WHEREAS, the EPA has prepared and recorded this Notice of Environmental Conditions ("Notice") to disclose specific environmental conditions of the Property to subsequent owners of the Property.

NOW, THEREFORE, NOTICE is hereby given that the EPA obtained soil samples from the Property, and those soil samples show levels of lead and/or arsenic contamination above health-based action levels.

The levels at which the EPA determined that lead and/or arsenic in soil in residential yards present an unacceptable risk (the so-called "action levels" in the ROD) are 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic. At the Property, the EPA's sampling of the surface soils found [] parts per million of lead and [] ppm of arsenic.

As of the date of this Notice, the Property remains contaminated as the owner of the Property declined the EPA's offer to clean up the Property. The owner of the Property has been provided written notice of and an opportunity to comment on the filing of this Notice by certified mail.

The records regarding sampling at the Property and other documents relevant to the Property and the Site, generally, may be requested from the U.S. Environmental Protection Agency, Region 8, Superfund Remedial Program, Remedial Project Manager, Vasquez Boulevard and Interstate 70 Superfund Site, 1595 Wynkoop Street, Denver, Colorado 80202.

The information in this Notice may represent environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of the Property.

For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, EPA

[Signature Page Follows]

shall be considered the Grantor, and {Name of Owner of Record} shall be considered the Grantee; nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

United States Environmental Protection Agency

By: _____ Date: _____

Bill Murray, Director
Superfund Remedial Program
U.S. Environmental Protection Agency
Region 8

State of Colorado)
) ss:
County of Denver)

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this day of
, 2013.

[SEAL]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

URGENT: PLEASE READ AND RESPOND

Spanish Speakers: Si desea esta información en español, por favor póngase en contacto con Jennifer Chergo al teléfono número 303-312-6601 ó chergo.jennifer@epa.gov

Ref:

DATE:

NAME

MAILING ADDRESS 1

MAILING ADDRESS 2

RE: PROPERTY ADDRESS

Dear NAME:

As you may know, your property listed above is within the boundaries of the Vasquez Boulevard/Interstate 70 (VB/I-70) Superfund Site. The U.S. Environmental Protection Agency (EPA) Superfund Program has previously sampled this property for lead and arsenic. The sampling results showed [lead or arsenic] in your yard soil is [are] above the EPA cleanup standard (See sampling results enclosed). Lead or arsenic in the yard soil at this property could be harmful to the health of the people living there.

The EPA has attempted to contact you regarding soil contamination at the above referenced property. This letter is intended to provide you with one last opportunity to sign the attached consent for access. The consent for access is limited and only gives the EPA permission to access the property to cleanup up [lead or arsenic] contamination from your yard. If you refuse this opportunity to have your property cleaned up by EPA, EPA will proceed with additional steps to ensure protection of human health and the environment at the VB/I-70 Superfund Site.

If you sign and return the attached consent for access, the EPA will remove and replace the contaminated soil at your property at no cost to you, as part of the federally funded cleanup of the VB/I-70 site. As part of the soil cleanup, the EPA will re-landscape the property to a similar or slightly improved condition. Please sign and return the attached consent for access by May 21, 2013.

If you do not consent to the EPA cleaning up your property, the EPA must then consider

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Commented [JAR1]: Do you think it would be helpful to state that it will be at no cost to the property owner?

protection of future residents from potential exposure to the contaminated soils in your yard. The EPA will do two things to make sure that future residents are informed about the contamination at your property.

1. Each year, EPA will mail a letter to the owner of the property and, if it is a rental property, to the occupants. The annual letter will explain that sampling has shown elevated levels of [lead or arsenic] in the yard soil at this property, that the contaminated soil on the property has not been removed and replaced and what steps residents can take to protect themselves from exposure to lead and arsenic.

2. The EPA will file with the Clerk and Records Office of the City and County of Denver a notice of environmental conditions concerning your property. This notice will address only yard soils and their status relative to a soil cleanup. An example of the Notice that would be filed is attached to this letter. **This Notice will remain effective until the contaminated soils has been removed and replaced.**

Again, we request that you sign and return the attached consent for access by May 21, 2013. If you have any questions regarding the soil cleanup at your property, please contact either myself or Jennifer Chergo, EPA Community Involvement Coordinator, (303) 312-6601, chergo.jennifer@epa.gov.

Commented [JAR2]: The schedule you sent has this date as May 3rd. Both this letter and the 2nd letter have a date of May 21st.

We appreciate your cooperation in this important matter of environmental protection.

Sincerely,

Paula Schmittiel
EPA Remedial Project Manager
(303) 312-6861
schmittiel.paula@epa.gov

Enclosures:
EPA Access Agreement
Sampling Results
Example of Notice of Environmental Conditions

SAMPLING RESULTS for ADDRESS

	Property address	EPA Cleanup Level (EPA conducts soil removal and replacements at or above the following levels):
Lead	XX parts per million (ppm)	400 ppm
Arsenic	XX ppm	70 ppm



When Recorded Return To:
Remedial Project Manager, EPR-SR
Vasquez Boulevard and Interstate 70 Superfund Site
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street, Denver, CO 80202

NOTICE OF POTENTIAL ENVIRONMENTAL CONDITIONS

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, Colorado [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by the United States Environmental Protection Agency (EPA) on September 25, 2003. The ROD established cleanup objectives for lead and arsenic in residential soils to protect human health and prevent unacceptable exposures to adults and children.

WHEREAS, the EPA has prepared and recorded this Notice of Potential Environmental Conditions ("Notice") to disclose specific potential environmental conditions of the Property to subsequent owners of the Property.

NOW, THEREFORE, NOTICE is hereby given that, as of the date of this Notice, the EPA has not obtained soil samples from the above described Property.

The EPA obtained soil samples from over 4000 residential properties within the Site. Of this total, over 800 properties showed levels of lead and/or arsenic contamination that could present unacceptable risk to or make the property unsafe for children or adults. The levels at which the EPA determined that lead and/or arsenic in soil present an unacceptable risk (the so-called "action levels" in the ROD) were 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic.

As of the date of this Notice, EPA has not sampled the Property to determine contamination levels due to the owner of the Property declining EPA access to the Property. The owner of the Property has been provided written notice of and an opportunity to comment on the filing of this Notice by certified mail.

Deleted: has declined the EPA's offer to sample

The EPA's records regarding the Property and the Site, may be requested by contacting the the U.S. Environmental Protection Agency, Region 8, Superfund Remedial Program, Remedial Project Manager, Vasquez Boulevard and Interstate 70 Superfund Site, 1595 Wynkoop Street, Denver, Colorado 80202.

The information in this Notice may represent potential environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of the Property.

For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, EPA

[Signature Page Follows]

shall be considered the Grantor, and {Name of Owner of Record} shall be considered the Grantee; nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

United States Environmental Protection Agency

By: _____ Date: _____
Bill Murray, Director
Superfund Remedial Program
U.S. Environmental Protection Agency
Region 8

State of Colorado)
) ss:
County of Denver)

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this ____ day of _____, 2013.

[SEAL]



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

URGENT: PLEASE READ AND RESPOND

Spanish Speakers: Si desea esta información en español, por favor póngase en contacto con Jennifer Chergo al telefono numero 303-312-6601 ó chergo.jennifer@epa.gov

Ref: 8EPR

DATE

NAME

MAILING ADDRESS 1

MAILING ADDRESS 2

RE: PROPERTY ADDRESS

Dear NAME:

As you may know, your property is located within the boundaries of the Vasquez Boulevard/Interstate 70 (VB/I-70) Superfund Site. Approximately one out of every six properties in your neighborhood was found to have levels of lead and/or arsenic in its yard soil that could cause a variety of health problems in people, especially young children.

The U.S. Environmental Protection Agency (EPA) Superfund Program has attempted to contact you regarding potential soil contamination at the above referenced property. **This letter is intended to provide you with one last opportunity to sign the attached consent for access and to have the EPA sample yard soils at your property prior to the EPA proceeding with additional steps to ensure protection of human health and the environment at the VB/I-70 Superfund Site.**

If you sign and return the attached consent for access, the EPA will sample your yard soil for lead and arsenic, at no cost to you. If samples show there is too much lead and/or arsenic relative to health based limits, the EPA will remove and replace the soil and re-landscape your yard, at no cost to you, as part of the federally funded cleanup of the VB/I-70 site. Sampling takes about two hours and does not damage or change your yard in any way. Under most circumstances, you do not need to be home when the crew comes to sample your yard. The **EPA requests that you sign and return the attached consent for access by May, 3, 2013.**

If you do not sign the consent for access, the EPA must then consider protection of future residents from possible exposures. The EPA will do two things to make sure that future residents are informed about the potential contamination at your property:

1. Each year, the EPA will mail a letter to the owner of the property and, if it is a rental property, to the occupants. The annual letters will explain that the yard has not been sampled and what steps residents can take to protect themselves from possible exposures to lead and arsenic.

2. The EPA will file with the Clerk and Records Office of the City and County of Denver a notice of potential environmental conditions concerning your property. This notice will address only yard soils and their status relative to sampling and cleanup. An example of the Notice that would be filed is attached to this letter.

Again, we request that you sign and return the attached consent for access by May 3, 2013. If you have any questions regarding soil sampling at the above referenced property, please contact me or Jennifer Chergo, the EPA Community Involvement Coordinator for the VB/I-70 Site, at (303) 312-6601, or by e:mail at chergo.jennifer@epa.gov.

We appreciate your cooperation in this important matter of environmental protection.

Sincerely,

Paula Schmitt diel
EPA Remedial Project Manager
U.S. Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129
Mail Code: 8EPR-SR
(303) 312-6861
schmitt diel.paula@epa.gov

Enclosures:
EPA Consent for Access Form
Example of Notice of Environmental Conditions

DRAFT

